

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

VALERIE DICKSON,

Plaintiff,

v.

McMENAMINS, INC.,

Defendant.

No. 3:18-cv-00317-AC

OPINION AND ORDER

MOSMAN, J.,

On December 11, 2018, Magistrate Judge John V. Acosta issued his Findings and Recommendation (F&R) [34], recommending that Defendant's Motion to Dismiss with Prejudice and for Sanctions [12] should be GRANTED in part and DENIED in part. Neither party filed objections to the F&R.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal


conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Acosta's recommendation and I ADOPT the F&R [34] as my own opinion. Defendant's motion to dismiss [12] is DENIED. Defendant's motion for monetary sanctions [12] is GRANTED. Plaintiff's attorney will reimburse Defendant for costs incurred as a result of the discovery violation as set forth in the F&R.

IT IS SO ORDERED.

DATED this 17 day of January, 2019.


MICHAEL W. MOSMAN
Chief United States District Judge